

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JAMES CODY, et. al,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 4:17-cv-2707-AGF
	)	
CITY OF ST. LOUIS,	)	
	)	
Defendant.	)	

**JOINT MOTION TO AMEND FOURTH AMENDED CASE MANAGEMENT ORDER**

Plaintiffs and Defendant City of St. Louis jointly move for the Court to amend its Fourth Amended Case Management Order (ECF No. 109) and in support thereof, state the following:

1. On July 12, 2019, the parties filed a Joint Motion to Amend the Court's Case Management Order due to the ongoing production of discovery and the need to complete expert reports. (ECF No. 108). That Motion was granted. (ECF No. 109).

2. Since that time, Plaintiffs disclosed and produced reports for three experts: Mr. Eldon Vail; Mr. James Balsamo; and, Dr. Stan Smith.

3. Plaintiffs also filed a motion to compel (ECF No. 115), asking the Court to order Defendants to allow one of its experts, Mr. Balsamo, to complete his inspection of the Medium Security Institution. That motion was granted in part. (ECF No. 121).

4. Mr. Balsamo is scheduled to complete his inspection on January 16, 2020.

5. The parties have produced over 175,000 pages of written discovery in this case so far. Plaintiffs recently sent a letter to Defendants' counsel, however, outlining a substantial number of documents that appear to be missing. Defendant is in the process of reviewing that letter and expects to supplement discovery as appropriate.

6. Both parties agree that additional time is needed to allow for the completion of expert depositions, supplementation of discovery, as well as any 30(b)(6) and individual depositions that may be required once additional discovery is produced.

7. Based on the foregoing, the parties request that the CMO be amended as follows:

- Mr. Balsamo shall complete his inspection on **January 16, 2020**;
- Any supplemental report by Mr. Balsamo shall be produced by **February 14, 2020**;
- Plaintiffs shall make expert witnesses Mr. Balsamo and Mr. Vail available for depositions and have depositions completed no later than **March 13, 2020**.
- Defendant shall disclose all expert witnesses and shall provide the summaries and reports required by Fed. R. Civ. P. 26(a)(2)(B) and (C) no later than **April 10, 2020**, and shall make expert witnesses available for depositions, and have depositions completed no later than **May 8, 2020**.
- The parties shall complete all discovery in this case no later than **June 26, 2020**.
- Any motions under *Daubert* shall be filed no later than **July 10, 2020**.
- Any motion for class certification must be filed no later than **July 24, 2020**. Responses shall be filed no later than 21 days after the motion is filed (and no later than **August 14, 2020**) and any reply may be filed no later than 10 days thereafter (and no later than **August 24, 2020**).
- Notwithstanding the above deadlines, within **ninety days** of the Court's ruling on Class Certification, Plaintiffs' expert Dr. Stan Smith shall produce a supplemental report outlining the basis for his expert opinion regarding the calculation of damages for members of the class(es) preliminarily certified. Plaintiffs shall produce Dr. Smith for deposition within **30 days** of production of his supplemental report;
- Defendant shall disclose any rebuttal experts to Dr. Smith and shall provide the summaries and reports required by Fed. R. Civ. P. 26(a)(2)(B) and (C) no later than **thirty days** after completion of Dr. Smith's deposition, and shall make such expert witness available for

deposition, and have depositions completed no later than **thirty days** after disclosure and production of the rebuttal report.

- Any motions for summary judgment must be filed no later than **October 23, 2020**. Responses shall be filed no later than **28 days** after the motion is filed (and no later than **November 13, 2020**) and any reply may be filed no later than **14 days** thereafter (and no later than **November 23, 2020**).
- The action be set for a jury trial in **May of 2021**.

WHEREFORE, the parties pray this Court amend the case management as described herein, and for all other relief deemed just and proper.

Date filed: January 6, 2020

Respectfully submitted,

/s/ Jacqueline Kutnik-Bauder  
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